

NOV 16 2005

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN RAMON HERNANDEZ-FUENTES,

Defendant - Appellant.

No. 04-10541

D.C. No. CR-02-01495-DCB/CRP
ORDER*

Appeal from the United States District Court for the District of Arizona
David C. Bury, District Judge, Presiding

Argued and Submitted October 18, 2005
San Francisco, California

Before: WALLACE, TROTT, and RYMER, Circuit Judges.

Counsel for Hernandez-Fuentes has suggested that this appeal is moot. The government agrees.

Hernandez-Fuentes was sentenced to 18 months imprisonment for drug charges and 12 months imprisonment for violating the conditions of his earlier imposed supervised release. The district court imposed consecutive sentences.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by Ninth Circuit Rule 36-3.

The district court also imposed three years of supervised release on the drug charges. Hernandez-Fuentes has only appealed the imposition of consecutive sentences. Hernandez-Fuentes completed serving his sentences on September 28 and was deported on October 4, 2005.

Because Hernandez-Fuentes has served his sentence, this appeal is moot unless there are any “collateral consequence[s]” of the sentence. See Spencer v. Kemma, 523 U.S. 1, 7 (1998). The only apparent potential consequence is the duration of his supervised release on the drug charges. However, because Hernandez-Fuentes did not appeal that sentence, we lack authority to grant any relief. Accordingly, the appeal is dismissed.

APPEAL DISMISSED.